

Court of Appeals of Kentucky.

LOUISVILLE WATER COMPANY, a Corpora-  
tion, Appellant,  
v.

PUBLIC SERVICE COMMISSION of Kentucky et  
al., Appellees.  
June 1, 1962.

From a judgment of the Circuit Court, Franklin County, William B. Ardery, J., affirming an order of Public Service Commission, an appeal was taken. The Court of Appeals, Montgomery, J., held that operations of Louisville water company were exempt from jurisdiction of Commission, and it was error to uphold Commission order requiring company to extend its water mains and services outside corporate limits of city of Louisville.

Judgment reversed.

West Headnotes

#### **Waters and Water Courses 405 202**

#### **405 Waters and Water Courses**

##### **405IX Public Water Supply**

##### **405IX(A) Domestic and Municipal Purposes**

##### **405k202 k. Regulations of Supply and Use. Most Cited Cases**

Operations of Louisville water company were exempt from jurisdiction of Public Service Commission, and it was error to uphold Commission order requiring company to extend its water mains and services outside corporate limits of city of Louisville.

**\*877** Charles W. Morris, Morris & Garlove, Louisville, Louis Cox, Hazelrigg & Cox, Thomas F. Marshall, Funk, Chancellor & Marshall, Frankfort, for appellant.

John B. Breckinridge, Atty. Gen., J. Gardner Ashcraft, Asst. Atty. Gen., Frankfort, for Public Service Commission.

W. Scott Miller, W. Scott Miller, Jr., Louisville, for

Eline Realty Company.

MONTGOMERY, Judge.

The Louisville Water Company appeals from a circuit court judgment affirming an order of the Public Service Commission requiring the water company to extend its water mains and services outside the corporate limits of the City of Louisville.

Pending this appeal, this Court reconsidered the cases under which it had been held that the appellant was under the jurisdiction of the Commission. In [McClellan v. Louisville Water Company, Ky., 351 S.W.2d 197](#), it was specifically held that the operations of the appellant were exempt from the jurisdiction of the Public Service Commission. Hence, the judgment herein rendered is now erroneous.

Judgment reversed.

Ky., 1962

Louisville Water Co. v. Public Service Commission  
357 S.W.2d 877

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